

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION**

CSX TRANSPORTATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	3:05-cv-1120-MHT
)	
R. J. CORMAN DERAILMENT SERVICES, L.L.C., R. J. CORMAN RAILROAD GROUP and R. J. CORMAN COMPANY)	
)	
Defendants.)	

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO STAY

COMES NOW Plaintiff CSX Transportation, Inc. ("CSX") and responds to Defendants' Motion to Stay as follows:

1. Defendants filed a Motion to Stay this action due to the pendency of related litigation in the Macon County Circuit Court in which CSX was sued by a property owner for property damage caused by the derailment that is the subject matter of the present action. CSX did not object to staying this action pending the resolution of the underlying state court action.

2. The underlying state court action has been resolved, and the parties have filed a Joint Motion to Dismiss the action. Accordingly, Defendants' Motion to Stay is now moot. CSX is ready, willing and able to proceed with the prosecution of its claims in this action.

Wherefore Plaintiff CSX Transportation, Inc. respectfully requests this Court to deny the Defendants' Motion to Stay as moot.

Respectfully submitted this 3rd day of January, 2006.

/s/ Elizabeth R. Floyd
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Certificate of Service

I hereby certify that on January 3, 2006, I electronically filed with the Clerk of the Court using the CM/ECF system which will be send notification of such filing to the following:

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